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AGREEMENT

Made this 5th day of ~~January~~ ^{February} 1999, by and between Hugh Kelly, Inc. ("the Applicant") and The Catholic University of America ("the Protestant").

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control (ABC) Board is the Applicant's renewal application for a Class "CT" license for premises 3514 12th Street, N.E., ABC Application # 8990; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the Applicant's operational plans;

NOW, THEREFORE, in consideration of the premises above recited, and the covenants and promises set forth below, the parties agree as follows:

1. Applicant will employ doormen who are 21 years of age or older and are not currently enrolled at Catholic University. The doormen will check identification/age ("card") of every patron entering the establishment between 9:00 p.m. and closing each day. No person under the age of 21 will be permitted to enter the establishment or be served without valid identification as required by the ABC laws and regulations. No person who appear to be intoxicated will be permitted to enter the establishment nor will intoxicated persons be served.
2. Applicant will place signage in its front window advising the public of its admission policies described in paragraph numbered 1.
3. Applicant will require its doormen and bartenders to successfully complete a certified alcohol server awareness program including training in ID verification, ^{such} program provided by an organization approved by the ABC Board, within thirty (30) days of the execution of this agreement. New employees will complete said program within thirty (30) days of the commencement date of their employment. Hugh Kelly, Inc. further agrees that James Dolan,

President of Hugh Kelly, Inc., will not work as a doorman or have any responsibility for checking patron identification at the establishment any time after the date of this agreement.

4. Applicant will place Protestant approved advertisements at Applicant's own expense twice yearly (at the beginning of Fall and Spring semesters) in the University's student newspaper (the Tower) declaring the establishment's age and admission policies. Protestant's approval will not be unreasonably denied. The advertisements will advise students that the use of false identification is a violation of District of Columbia law. The advertisements will promote the responsible consumption of alcoholic beverages

5. Applicant will not sponsor any promotional events in conjunction with any activities of Catholic University, e.g., a "back to school" event. Applicant will not host any early morning (i.e., prior to 11:00 a.m.) St. Patrick's Day promotional events. Applicant will not promote "ladies' nights," or after hours special events.

6. Applicant will be responsive to protestant's concerns with its operations, and will endeavor to maintain regular communications. Towards that end, Applicant will arrange to meet formally with representatives of Protestant at least twice yearly to discuss issues of concern.

7. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 6 above, the Protestant withdraws, hereby, its objection to Applicant's pending license renewal application, conditioned upon incorporation of the terms of this Agreement in the Board's order approving said application, as provided at 23 DCMR §1513.3.

8. Protestant shall advise applicant in writing (copy to ABC Board) of any alleged violations of this agreement, and allow applicant 15 calendar days from receipt of such writing by Protestant to investigate the allegation(s) and abate any violations determined.

Applicant shall respond in writing to Protestant within 20 calendar days from receipt of such writing by Protestant and describe the results of its investigation into violations alleged by the Protestant and any abatement steps taken by Applicant. The parties further agree that repeated failure of Applicant to adhere to the foregoing commitments would constitute grounds for the Protestant to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR § 1513.5. Notwithstanding anything else in this Paragraph 8, protestant reserves all its rights (other than petitioning the ABC Board for issuance of a show cause order as prescribed herein) to take any and all legal action regarding the Applicant, including the right to complain directly to the ABC Board and its investigators or to the Metropolitan Police Department or others regarding possible violations of law by the Applicant in its operations.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above-written.

HUGH KELLY, INC.

By: 

James Dolan
President

By: 

Patrick Houston
Vice President

THE CATHOLIC UNIVERSITY
OF AMERICA

By: 

Rev. Robert M. Friday,
Vice President of Student Life

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Hugh Kelly, Inc.
t/a Kitty O'Shea's

Application for a Retailer's Class
CT License (renewal)
at premises
3514 12th Street, N.E.
Washington, D.C.

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) Case No. 8990-99025P
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**Reverend Robert M. Friday, Vice President for Student Life, The Catholic
University of America, Allen J. Robinson, and Marlo-Jo Bonucelli, Protestants**

James Dolan, President, on behalf of Applicant

Michael D. Fonseca, Esquire, on behalf of Applicant

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA ABBOTT, MEMBER
ALLEN BEACH, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
MAX SALAS, MEMBER
JOSEPH WRIGHT, MEMBER**

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on January 6, 1999, in accordance with D.C. Code Section 25-115 (c)(5)(1999 Supp.), providing for the protestants to be heard. Reverend Robert M. Friday, Vice President for Student Life, on behalf of the Catholic University of America, Allen J. Robinson, and Marlo-Jo Bonucelli filed timely opposition by letters dated November 19 and November 20, 1999. However, Mr. Robinson and Ms. Boncelli did not appear at the roll call hearing and the Board dismissed their opposition for want of prosecution.

The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated February 5, 1999, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon continuing compliance with the terms of the

Hugh Kelly, Inc.
t/a Kitty O'Shea's
Page two

voluntary agreement.

Accordingly, it is this 29th day of September 1999, **ORDERED** that:

1. The protest of Reverend Robert M. Friday, Vice President for Student Life, on behalf of the Catholic University of America, be, and the same hereby, is **WITHDRAWN**;

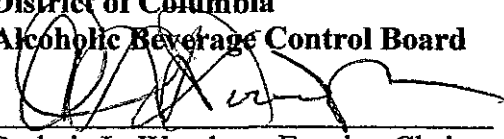
2. The opposition of Allen L. Robinson and Marlo-Jo Bonucelli, be, and the same hereby, is **DISMISSED**;

3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;

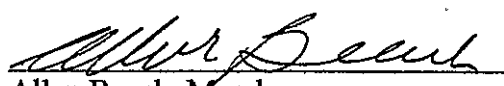
4. The application of Hugh Kelly, Inc. t/a Kitty O'Shea's for a retailer's class CT (renewal) license at premises 3514 - 12th Street, N.E., be, and the same hereby, is **GRANTED**; and,

5. Copies of this Order shall be sent to the Protestant, the Attorney for the Applicant and the Applicant.

**District of Columbia
Alcoholic Beverage Control Board**


Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Allen Beach, Member


Ellen Oppen-Weiner, Esquire, Member


Max Salas, Member


Joseph Wright, Member

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WITNESSETH

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7. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 6 above, the Protestant withdraws, hereby, its objection to Applicant's pending license renewal application, conditioned upon incorporation of the terms of this Agreement in the Board's order approving said application, as provided at 23 DCMR §1513.3.

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HUGH KELLY, INC.

By: 

James Dolan
President

By: 

Patrick Houston
Vice President

THE CATHOLIC UNIVERSITY
OF AMERICA

By: 

Rev. Robert M. Friday,
Vice President of Student Life

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STEPHEN J. O'BRIEN
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MICHAEL D. FONSECA

FACSIMILE
(202) 625-7706

February 5, 1999

VIA MESSENGER

Alcoholic Beverage Control Board
614 H Street N.W.
Room 807
Washington, D.C. 20001

Attn: Laura Byrd

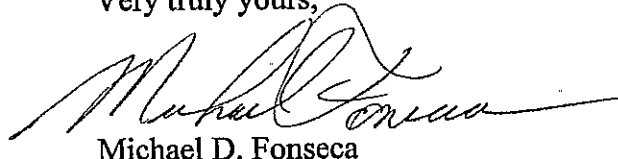
Re: Application No. 8990,
Hugh Kelly, Inc. t/a Kitty O'Shea's
3514 12th Street, N.E.

Dear Members of the Board:

Forwarded herewith for your approval is a voluntary agreement settling the protest of the above-referenced renewal application.

The Board's earliest approval and issuance of an Order on Withdrawal of Protest, incorporating the voluntary agreement into the reissued license, is appreciated sincerely.

Very truly yours,



Michael D. Fonseca

Enclosure